

ORDINANCE NO. 4916

AN ORDINANCE AMENDING CHAPTER 46 OF THE BOSSIER PARISH CODE OF ORDINANCES, “ENVIRONMENT”, IN ITS ENTIRETY

BE IT ORDAINED by the Bossier Parish Police Jury in regular and legal session on this 16th day of November, 2022, that Chapter 46 of the Bossier Parish Code of Ordinances, “Environment”, be and is hereby amended in its entirety as follows:

CHAPTER 46 - ENVIRONMENT¹

¹Cross reference(s)—Animals, Ch. 14; buildings and building regulations, Ch. 18; dilapidated and dangerous structures, property standards board, § 18-3; community development, Ch. 30; floods, Ch. 54; health and sanitation, Ch. 58; historic preservation, Ch. 62; parks and recreation, Ch. 82; planning, Ch. 90; roads and bridges, Ch. 94; solid waste, Ch. 102; subdivisions, Ch. 110; utilities, Ch. 122; zoning, Ch. 126; dust, dirt, odors, gases, smoke and radiation, § 126-368.

State law reference(s)—Louisiana Environmental Quality Act, R.S. 30:2001 et seq.; regulation of the policing of taverns, houses of public entertainment, etc., R.S. 33:1236(6).

ARTICLE I. - IN GENERAL

Secs. 46-1—46-30. Reserved.

ARTICLE II. - REGULATION OF NOISE WITHIN THE UNINCORPORATED LIMITS OF THE PARISH OF BOSSIER

Sec. 46-31. Definitions.

A-weighted sound level—The sound pressure level in decibels as measured on a sound level meter using the A-weighting network which discriminates against the lower frequencies according to a relationship approximating the auditory sensitivity of the human ear. The level is designated dBA.

Ambient sound— All-encompassing sound associated with a given environment, being usually a composite of sound from many sources from many directions, near and far, including specific sound source(s) of interest.

Background sound— All-encompassing sound associated with a given environment without contributions from the source or sources of interest. Background sound is described as a combination of (1) continuous background sound, and (2) transient background sounds, with the durations for continuous and transient defined according to application and situation. Continuous relates to the constant nature of the background sound, not to any measurement duration.

C-weighted sound level—The sound pressure level in decibels as measured on a sound level meter using the C-weighting network which is more sensitive to low-frequency sounds than the A-weighting network. C-weighting is used to assess the low-frequency content of a complex sound environment. The level is designated dBC.

Construction—Any site preparation, assembly, erection, substantial repair, alteration, or similar action, but excluding demolition, for or of public or private rights-of-way, structures, utilities or similar property.

Continuous background sound — The background sound measured during a measurement period, after excluding the contribution of transient background sounds. Continuous relates to the constant nature of the background sound, not to any measurement duration. Transient background sounds are those sounds that are not continuous, such as a barking dog, an individual accelerating vehicle, an individual aircraft flyover, etc. As a general rule, sound events from a single source that occur at a rate of 12 times per hour (at least once every five minutes) should be considered part of the continuous background sound.

Corrected equivalent-continuous sound pressure level—Measurement period data which has been corrected for transient background sound by the transient sound having been inhibited from being collected with or having been removed from the measurement period data.

Corrected equivalent-continuous background sound pressure level—Measurement period data, without contributions from the source or sources of interest, which has been corrected for transient background sound by the transient sound having been inhibited from being collected with or having been removed from the measurement period data.

Daytime hours—The hours from 7:00 a.m. on one day and 10:00 p.m. the same day.

Designated protected receiver—A property that is not residential where the owner has applied for and obtained approval from the parish to reduce the maximum permissible sound levels below those established for properties designated as other receiver. All such applications shall be acted upon by the parish administrator following a public hearing thereon and the sending of specific notice to the owners of all property located within five hundred feet of the proposed designated protected receiver. A copy of the agreement establishing a designated protected receiver shall be submitted by the property owner to the AHJ and the AHJ shall make publicly available a map or other accessible resource indicating all designated protected receivers.

Decibel (dB)—A unit for measuring the level of a sound, equal to 20 times the logarithm to the base 10 of the ratio of the pressure of the sound measured to the reference pressure, which is 20 micropascals (20 micronewtons per square meter).

Demolition—Any dismantling, intentional destruction or removal of structures, utilities, public or private right-of-way surfaces, or similar property.

Emergency—Any occurrence or set of circumstances involving actual or imminent physical trauma or property damage which demands immediate action.

Emergency signaling device—Includes fire, burglar, civil defense alarm, siren, whistle, or similar device intended primarily for emergency purposes.

Emergency work—Any work performed for the purpose of preventing or alleviating the physical trauma or property damage threatened or caused by an emergency.

Fluctuating noise—means the sound pressure level of a fluctuating noise which varies more than six dBA during the period of observation when measured with the slow meter characteristic of a sound level meter.

Impacted regulated receiver – A regulated receiver which may potentially be exposed to noise levels due to the operation of a regulated noise generator that violates or exceeds one or more provisions of this ordinance. It is the duty of the regulated noise generator to assess their potential impact on regulated receivers.

Impulsive sound—A sound of short duration, usually less than two seconds, with an abrupt onset and rapid decay. Examples of sources of impulsive sound include explosions, drop forge impacts, hammering, and the discharge of firearms.

Lasting activity—An activity that is associated with the intended long-term use of the property.

Muffler or sound dissipative device—A properly functioning system for abating the sound of escaping gasses on equipment where such a device is part of the normal configuration of the equipment.

Nighttime hours—The hours from midnight to 7:00 a.m. and from 10:00 p.m. to the following midnight, on the same day.

Noise—Any sound which annoys or disturbs humans or which causes or tends to cause an adverse psychological or physiological effect on humans.

Noise control officer (NCO)—The department having lead responsibility for this article.

Noise impact right—A property right agreement defining a permissible noise level impact by a noise generator upon a property which is attached to and transfers with ownership of the affected property.

Noise sensitive receiver—Includes, but is not limited to, a property where a school, hospital, nursing home, church, court, public library, or similar institution is located.

Plainly audible^[i]—Any sound that can be detected by a person using his or her unaided hearing faculties.

Property line—With respect to single occupancy properties, the line along the ground surface and its vertical extension that separates the real property owned, leased, or occupied by one person or entity from that owned, leased, or occupied by another person or entity. With respect to shared occupancy properties the term shall mean the imaginary line that represents the legal limits of occupancy of any person or entity who owns, leases, or otherwise occupies an apartment, condominium, hotel or motel room, office, or any other type of occupancy from that of other occupants.

Pure tone—Any sound which can be distinctly heard as a single pitch or a set of single pitches.

Qualified professional in environmental noise—An individual who has education or training in environmental noise measurement instruments and practices and has experience in the performance of environmental noise measurements. If necessary for the purposes of this article, the individual must also have experience in the assessment and mitigation of environmental noise.

Receiving property type—The property designations identified in this ordinance for the purpose of determining the maximum permissible sound levels for a regulated receiver.

Receptor—An occupied structure or outdoor public space (e.g. park, playground, etc.) located on a regulated receiver property.

Regulated noise generator (RNG)—Those land uses that are known or may reasonably be expected to generate noise upon adjacent properties that exceeds the limits set forth in this article.

Regulated receiver—Any real property designated as a residential property, designated protected receiver, noise sensitive receiver, or other receiver.

Residential property—Any real property developed and used for human habitation that contains living facilities, including provisions for sleeping, eating, cooking, and sanitation, unless such premises are actually occupied and used primarily for purposes other than human habitation.

Sound-amplifying equipment - means any machine or device for the amplification of the human voice, music, or any other sound. The term "sound-amplifying equipment" shall not include standard automobile radios when used and heard only by the occupants of the vehicle in which the automobile radio is installed. Sound-amplifying equipment, as used in this section, shall not include warning devices or authorized emergency vehicles or horns or other warning devices on any vehicle used only for traffic safety purposes.

Sound level—The sound pressure level obtained by the use of a sound level meter. If a frequency-weighting network is used, such as A or C, then the level shall be indicated as dBA or dBC, respectively. If a frequency weighting is not used, then the un-weighted or flat level shall be indicated as dB(Flat). Frequency-weighted networks shall comply with the American National Standards Institute specifications for sound level meters (ANSI S1.4-2014/IEC 61672 (R2019)) or the latest approved revision thereof.

Sound level meter—An instrument which includes a microphone, amplifier, RMS detector, integrator or time averaging device, output meter, and weighting networks used to measure sound pressure levels. The instrument should meet requirements for a Class 1 sound level meter as specified in the American National Standards Institute specifications for sound level meters (ANSI S1.4-2014/IEC 61672 (R2019)), or the latest approved revision thereof.

Sound pressure—The instantaneous difference between the actual pressure and the average or barometric pressure of a given point in space, as produced by sound energy.

Sound pressure level—20 times the logarithm to the base 10 of the ratio of the RMS sound pressure to the reference pressure of 20 micropascals (20 micronewtons per square meter). The sound pressure level is denoted L_p or SPL and is expressed in decibels (dB).

Temporary noise event—An activity that generates noise which could impact a protected receiver and occurs over the course of up to 14 consecutive days. The use of the term "temporary" is relative to the acoustic tolerance of a noisy activity and does not speak to whether that activity is associated with the intended long-term use of the property.

Temporary activity—An activity that is planned to occur for a pre-determined, finite length of time. Examples include, but are not limited to, construction, maintenance, and drilling of wells.

Transient background sound—Background sound associated with one or more sound events which occur infrequently during a measurement period.

Utility—A business entity subject to government regulation that provides an essential commodity or service such as, but not limited to, water, electric, electric distribution, gas, gas distribution, gas transmission, and telephone.

Variance—Relief from compliance with one or more provisions of this ordinance; submitted to the Parish Police Jury for review and vote per 46-36(r).

Waiver—An agreement between an entity generating noise and the occupants, residents, owner, or other entity having authority for a regulated receiver, releasing the noise generating entity from compliance with enumerated terms of this ordinance, for a defined period of negotiable term. Waivers may be obtained for any provision of this ordinance, not just for those provisions where waivers are specifically anticipated within the ordinance. Proof of waivers, to include documentation of enumerated provisions of this article for which the waiver grants relief, shall be made available to the AHJ (46-32) upon request.

Workover operation—A term used in the oil and gas industry meaning work performed in or to a well after its initial completion.

Sec. 46-32. Authority having jurisdiction (AHJ).

(A) The noise ordinance shall be enforced by a noise control officer (NCO). The requirements to be an NCO are established as follows:

(1) An employee of the parish who is trained to perform noise enforcement activities.

(2) An employee who has received noise enforcement training. The employee must be acting within his or her designated jurisdiction and must be authorized to issue a summons in order to be considered a noise control officer.

(B) Powers—noise control officers shall have the power to:

(1) Coordinate the noise control activities of all departments in the parish and cooperate with all other public bodies and agencies to the extent practicable;

(2) Review the actions of the parish and advise of the effect, if any, of such actions on noise control;

(3) Review public and private projects, subject to mandatory review or approval by other departments or boards, for compliance with this ordinance;

(4) Issue permits and variances as approved by the Police Jury;

(5) Investigate and pursue possible violations of this article for sound levels which equal or exceed the sound levels set forth in Section 46-35, when measured at a receiving property located within the designated jurisdiction of the noise control officer, in accordance with Section 46-37 below;

(6) Cooperate with noise control officers of adjacent municipalities in enforcing one another's noise ordinances; and

(7) Determine if a complaint is frivolous, duplicitous, or vexatious.

Sec. 46-33. Applicability.

(A) This article applies to sound originating from or received at or within the property line of the following property types:

(1) Residential property.

(2) Designated protected receiver.

- (3) Noise sensitive receiver.
- (4) Other receiver.

(B) All regulated noise generators permitted or initiated on or after the adoption date of this article [January 19, 2011] shall be subject to the regulations contained herein.

(C) A noise generator existing prior to the date of adoption of this ordinance is subject to the regulations contained herein if the actions of the noise generator constitute a new use. A significant increase in acoustic conditions at a regulated receiver constitutes a new use for the noise generator if the conditions are due to the following:

- (1) Changes in the operation of the noise generator,
- (2) Modifications to or addition of equipment,
- (3) Changes to the physical layout of the noise generating property,
- (4) Facility expansion, or
- (5) Any action on the part of owner or operator that leads to an increase in sound level, or an increase in the frequency or number of occurrences of temporary noise events, at a regulated receiver.

A significant increase in acoustic conditions at a regulated receiver includes an increase in sound level by more than 5 dBA or an increase to the applicable levels in Table 1, whichever is greater, or an increase in frequency (or number) of occurrences.

(D) For a change in designation of a receiving property type that decreases the maximum permissible sound levels at a property, the regulated levels corresponding to the new designation shall only apply to noise generators beginning operation, or which constitute new uses for existing noise generators, on or after the date of approval of the new designation. Existing noise sources associated with lasting activities at the time of the change in property type designation shall be treated as part of the background sound at the receiving property.

(E) All noise sources in existence prior to February 1, 2011, shall continue to be regulated by ordinances in effect prior to the effective date of this article.

Sec. 46-34. Reserved.

Sec. 46-35. Maximum permissible sound levels.

(A) No person or entity shall cause, allow, or permit the operation of any source of sound which creates a sound level that exceeds the continuous background sound level by more than 7 dBA in daytime, the continuous background sound level by more than 5 dBA in nighttime, or the applicable levels in Table 1 at a regulated receiver, whichever is greater, when measured in accordance with Section 46-37, over an interval of time as follows:

- (1) for any 1-hour measurement interval subject to the adjustments of Table 2 if the noise source is operating under the provisions of an approved Noise Management Plan;
- (2) for any 5-minute interval, and the adjustments of Table 2 do not apply, if the noise source is not operating under the provisions of an approved Noise Management Plan;
- (3) for an interval of time as otherwise permitted.

For compliance purposes, if the continuous background sound level cannot be determined in accordance with Section 46-37, the levels listed in Table 1 relative to the receiving property type shall be used. For planning and permitting purposes, a noise survey is required to determine a 72-hour continuous background sound level at the most impacted regulated receiver or receivers, and the survey must be conducted in accordance with Section 46-37. Once a noise survey has been reviewed and approved by the AHJ, the established continuous background sound level or levels will apply to all properties considered by the noise survey, both in daytime and nighttime, until another noise survey is approved by the AHJ. The sound level shall be measured at or within the receiving property line in accordance with Section 46-37.

Table 1: Maximum permissible A-weighted continuous sound levels* (dBA) outdoors listed by receiving property type and time of day.

Receiving Property Type:	Time	
	7:00 a.m. — 10:00 p.m.	10:00 p.m. — 7:00 a.m.
Noise Sensitive Receiver	45	40
Residential or Designated Protected Receiver	50	45
Other Receiver	60	60
Residential Districts	55	55
Business Districts	60	60
Industry Districts	80	80

*maximum permissible levels are subject to Sections 46-35(b), 46-35(c), 46-35(d), and 46-35(e).

Table 2: Exceedance adjustments to Maximum permissible A-weighted sound levels* (dBA)

Exceedance Adjustment, dBA	Duration of increase, minutes*
10	5
15	1
20	Less than 1

*cumulative minutes in any one hour interval.

(B) A temporary noise allowance can be applied to the levels determined in Section 46-35(a). This allowance accounts for a receiver's added tolerance for known temporary noise events due to temporary activities of up to 14 days. The allowance requires that the party responsible for the noise source inform the potentially impacted recipients of the duration and nature of the noise. A temporary noise allowance can occur only once every 90 days for whatever duration of that activity consistent with the following:

(1) For noise events lasting one day or less, a 15 dB increase in maximum permissible A-weighted sound level is permissible.

(2) For noise events lasting up to 14 consecutive days, a 10 dB increase in A-weighted sound level is permissible.

(3) For any noise events lasting longer than 14 days, the noise associated with that temporary activity is not considered a temporary noise event.

(C) Low frequency noise limit:

(1) No person or entity shall cause, allow, or permit the operation of any source of sound which creates low-frequency outdoor sound levels in the 31.5 and 63 Hz octave bands that exceed 65 dB(Flat) or exceeds the background sound levels in the 31.5 and 63 Hz octave bands by more than 5 dB(Flat), whichever is greater.

(D) Impulsive noise limit:

(1) No person or entity shall cause, allow, or permit the operation of any source of sound which creates impulse sound levels that exceed the background sound level by 15 dBA at or within the receiving property line in accordance with the impulsive measurement requirements of Section 46-37.

(E) Tones:

(1) No person or entity shall cause, allow, or permit the operation of any source of sound which creates a pure tone where the one-third ($\frac{1}{3}$) octave band sound pressure level in the band of interest exceeds the arithmetic average of the sound-pressure levels for the two adjacent one-third octave bands by the corresponding decibel (dB(Flat)) values as follows:

- (a) 5 dB for center frequencies of 500 Hertz and above,
- (b) 8 dB for center frequencies between 160 and 400 Hertz, and
- (c) 15 dB for center frequencies less than or equal to 125 Hertz.

(F) Measurements for determination of compliance or violation:

(1) Compliance with, or violation of, the levels specified in this Section 46-35 must be assessed through measurements as described in Section 46-37. Measurements used as a basis for determination of violation of a provision of this Section 46-35 must demonstrate that the cited RNG is the cause of the violation:

- (a) for any 1-hour measurement interval if the RNG is operating under an approved Noise Management Plan,
- (b) for any 5-minute measurement interval if the RNG not operating under an approved Noise Management Plan,
- (c) for a shorter interval as otherwise permitted.

(2) Compliance is indicated if the noise solely generated by the RNG cannot be discriminated from the corrected equivalent-continuous background sound pressure level, or if the noise levels solely generated by the RNG otherwise conform to the requirements of this section.

Sec. 46-36. Enumerated Acts, Exemptions, and Restricted Uses.

The following standards shall apply to the associated activities or sound sources below:

(A) Nonexclusive enumeration. The following acts, among others, are declared to be loud, disturbing and unreasonable noises and noises in violation of this ordinance, but this enumeration shall not be deemed to be exclusive:

(1) Horns or signal devices. The sounding of any horn or signal device on any automobile, motorcycle, bus, streetcar or other vehicle except when reasonably necessary to ensure safe operation; the creation by means of any such signal device of any noise for more than five consecutive seconds.

(2) Yelling, shouting, etc. Yelling, shouting, hooting, whistling or singing on the public streets, particularly between the hours of 10:00 p.m. and 7:00 a.m., or at any time or place so as to disturb the quiet, comfort, repose of persons in any hospital, dwelling, hotel or other type of residence, or of any persons in the vicinity.

(3) Hawkers, peddlers and vendors. The shouting or crying of peddlers, hawkers and vendors which disturbs the peace and quiet of the neighborhood.

(4) Animals, birds, etc. The keeping of any animal, bird or fowl which by causing frequent or long continued noise shall not disturb the comfort or repose of any person in the vicinity. This provision shall not apply to animal sounds originating from any parcel zoned for agricultural use.

(5) Defect in vehicle or load. The use of any automobile, motorcycle, streetcar or vehicle so out of repair or loaded in such manner as to create loud and unreasonable grating, grinding, rattling or other noise.

(6) Steam whistles. The blowing of any steam whistle attached to any stationary boiler except to give notice of the time to begin or stop work, or as a warning of fire or danger, or upon the request of proper authorities.

(7) Exhausts. The discharge of any process vent, high-velocity gas stream, high-pressure gas, forced-exhaust stream, steam engine, stationary internal combustion engine, motor-driven vehicle of any type or motorboat engine except through a muffler or other device which will effectively prevent loud noises therefrom.

(8) Construction and repairing of buildings. The following acts are declared to be loud, disturbing and unreasonable noises, and noises in violation of this article:

(a) Construction and demolition activity, excluding emergency work, shall not be performed in or immediately adjacent to any residential zoned use or noise sensitive receiver between the hours of 8:00 p.m. and 6:00 a.m. on weekdays, or between the hours of 7:00 p.m. and 9:00 a.m. on weekends and federal holidays, unless such activities can meet the limits set forth in Section 46-35. All motorized equipment used in construction and demolition activity shall be operated with a muffler. At all other times, the limits set forth in Section 46-35 do not apply to construction and demolition activities.

(b) This Section shall not apply to excavations or repairs of bridges, streets or highways by or on behalf of the parish during the night, when the public welfare and convenience renders it impossible to perform such work during the day.

(9) Power tools:

(a) Commercial and industrial use of power tools, excluding emergency work, shall not be operated in or immediately adjacent to any residential zoned use or noise sensitive receiver between the hours of 8:00 p.m. and 6:00 a.m. on weekdays, or between the hours of 7:00 p.m. and 9:00 a.m. on weekends or federal holidays, unless such activities can meet the limits set forth in Section 46-35. All motorized equipment used in these activities shall be operated with a muffler. At all other times, the limits set forth in Section 46-35 do not apply.

(b) Non-commercial or non-industrial use of power tools shall not be operated in or immediately adjacent to any residential zoned use or noise sensitive receiver between the hours of 8:00 p.m. and 8:00 a.m., unless such activities can meet the applicable limits set forth in Section 46-35. All motorized equipment used in these activities shall be operated with a muffler. At all other times, the limits set forth in Section 46-35 do not apply.

(10) Landscaping:

(a) Commercial and industrial use of landscaping and yard maintenance equipment, excluding emergency work, shall not be operated on or within 250 feet of a regulated receiver between the hours of 7:00 p.m. and 7:00 a.m. on weekdays, or between the hours of 7:00 p.m. and 9:00 a.m. on weekends or federal holidays, unless such activities can meet the limits set forth in Section 46-35. All motorized equipment used in these activities shall be operated with a muffler. At all other times, the limits set forth in Section 46-35 do not apply. This restriction shall not apply to sounds originating from agriculture zoned uses when such sounds are due to normal use.

(b) Non-commercial or non-industrial use landscaping and yard maintenance equipment shall not be operated between the hours of 8:00 p.m. and 8:00 a.m., unless such activities can meet the applicable limits set forth in Section 46-35. All motorized equipment used in these activities shall be operated with a muffler. At all other times, the limits set forth in Section 46-35 do not apply. This restriction shall not apply to sounds originating from agriculture zoned uses when such sounds are due to normal use.

(11) Schools, courts, churches, hospitals. The creation of any excessive noise on any street adjacent to any school, institution of learning, church or court while the school, institution of learning, church or court are in use or adjacent to any hospital, which unreasonably interferes with the working of such institution or which disturbs patients in a hospital.

(12) Loading, unloading. The creation of a loud and excessive noise in connection with loading or/unloading of any vehicle or the opening and destruction of bales, boxes, crates and containers, between the hours of 10:00 p.m. and 8:00 a.m. This restriction shall only apply to industrial and commercial zoning adjacent to residential zoning.

(13) Sound-amplifying equipment:

(a) Unless otherwise permitted, the playing of any radio, television set, sound-amplifying equipment, or other sound-producing device or any musical instrument in such a manner or with such volume, particularly between the hours of 10:00 p.m. and 8:00 a.m., as to disturb the quiet, comfort or repose of persons in any office, hospital or in any dwelling, hotel or other type of residence, or of any persons in the vicinity.

(b) Self-contained, portable, hand-held music or sound-amplifying equipment shall not be operated on a public space or public right-of-way in such a manner as to be plainly audible at a distance of 50 feet in any direction from the operator between the hours of 7:00 a.m. and 10:00 p.m. Between the hours of 10:00 p.m. and 8:00 a.m., sound from such equipment shall not be plainly audible by any person other than the operator.

(c) Unless otherwise permitted, the use or operation, or the causing to be used or operated, in front of or outside of any building, place or premise or through any window, doorway or opening of such building abutting upon the public street, or upon any public street any device or apparatus for tapping windows, or for amplifying sound from any radio, television set, sound-amplifying equipment, or any other sound-reproducing device.

(d) The use of any drum, loudspeakers or other instrument or device for the purpose of attracting attention by creation of noise to any performance, show or sale or display of merchandise.

(e) The use of mechanical loudspeakers or sound-amplifying equipment on trucks or other moving or standing vehicles for advertising or other purposes.

(14) Motor sports parks and recreational vehicles:

(a) Except as permitted in the following subsection (2), no person shall operate or cause to be operated any recreational motorized vehicle off a public right-of-way in such a manner that the sound level emitted there from exceeds the limits set forth in Section 46-35 at or across the property line when operated on private property. This ordinance shall apply to all recreational motorized vehicles, whether or not duly licensed and registered, including, but not limited to, commercial or non-commercial racing vehicles, motorcycles, go-carts, snowmobiles, amphibious craft, campers and dune buggies, but not including motorboats.

(b) Permits for vehicle racing events may be obtained from the AHJ after submission of a noise management plan as required.

(B) Emergency signaling devices are exempt from Section 46-35 in the case of an emergency and the following cases:

(1) Testing of an emergency signaling device shall occur between 7:00 a.m. and 7:00 p.m. Any testing shall use only the minimum cycle test time. In no case shall such test time exceed five minutes. Testing of the emergency signaling system shall not occur more than once in each calendar month.

(2) Sounding or permitting the sounding of any exterior burglar or fire alarm or any motor vehicle burglar alarm, shall terminate within 15 minutes of activation unless an emergency exists. If a false or accidental activation of an alarm occurs more than twice in a calendar month, the owner or person responsible for the alarm shall be in violation of this section.

(3) Testing of an emergency signaling device in accordance with state and federal regulations.

(C) Nonemergency signaling devices operated by houses of religious worship, ice cream trucks, seasonal contribution solicitors, or by governmental entities for traffic control purposes are exempt from Section 46-35.

(D) Operation and testing of emergency equipment and safety protection systems (for example, relief valves) are exempt from Section 46-35.

(E) Accidents and emergency responses to accidents which pose a clear and immediate danger to life, health, or significant loss of property are exempt from Section 46-35.

(F) Motor vehicles and motorcycles on traffic ways of the parish are exempt from Section 46-35 provided that:

(1) Vehicle horns, signaling devices, and similar devices are sounded for less than five consecutive seconds or are sounded as a danger warning.

(2) Adequate mufflers or sound dissipative devices are properly installed such that:

(a) No person shall operate or cause to be operated any motor vehicle or motorcycle not equipped with a muffler or other sound dissipative device in good working order and in constant operation.

(b) No person shall remove or render inoperative, or cause to be removed or rendered inoperative, other than for purposes of maintenance, repair, or replacement, any muffler or sound dissipative device on a motor vehicle or motorcycle.

(G) No person shall repair, rebuild, modify, or test any motor vehicle, motorcycle, or motorboat in such a manner as to exceed the limits set forth in Section 46-35.

(H) Airport and aircraft operations:

(1) The AHJ shall consult with the airport proprietor to recommend changes in airport operations to minimize any noise disturbance which the airport owner may have authority to control in its capacity as proprietor.

(2) Nothing in this article shall be construed to prohibit, restrict, penalize, enjoin or in any manner regulate the movement of aircraft which are in all respects, conducted in accordance with, or pursuant to applicable federal laws or regulations.

(I) Any public performance, gathering or parade for which a permit has been obtained from the parish is exempt from Section 46-35.

(J) Outdoor school and playground activities are exempt from Section 46-35. Reasonable activities conducted on public playgrounds and public or private school grounds, which are conducted in accordance with the manner in which such spaces are generally used, including but not limited to, school athletic and school entertainment events.

(K) Repairs or excavations of bridges, streets or highways by or on behalf of the parish, State of Louisiana, or the federal government, are exempt from limits set forth in Section 46-35 between the hours of 7:00 p.m. and 7:00 a.m., when public welfare and convenience renders it impractical to perform the work between 7:00 a.m. and 7:00 p.m.

(L) Any government or utility construction or maintenance activities are exempt from Section 46-35.

(M) Regulated noise generators (RNG) shall submit a noise management plan (NMP) for approval by the Parish unless the RNG has obtained waivers from all impacted regulated receivers. Regulated noise generators are those land uses that are known or may reasonably be expected to generate noise upon adjacent properties that exceeds the limits set forth in Section 46-35, and may include but are not limited to oil and gas industry sites (e.g. well heads, compressor stations, refineries, etc.), motor sports parks, machine shops, industrial plants, etc.

(1) No RNG shall create any noise that exceeds the limits set forth in Section 46-35 subject to applicable exemptions in Section 46-36.

(2) Prior to the issuance of a RNG permit and the commencement of operations, the operator shall submit a noise management plan (NMP), approved by the AHJ, detailing how the equipment, structures, site plan, and proposed activities on site complies with the maximum permissible sound levels of this article. Refer to the parish's noise management plan guidance document for specific information. At a minimum, the noise management plan must:

(a) Identify operation noise impacts;

(b) Provide documentation establishing the background sound level prior to construction or commencement of operations. A noise survey must be conducted in accordance with Section 46-37 for the most impacted regulated receiver or receivers. Once a noise survey has been reviewed and approved by the

AHJ, the established background sound level will apply to all future development until another noise survey is approved by the AHJ.; and

(c) Detail how the impacts will be mitigated. In determining noise mitigation, specific site characteristics shall be considered, including but not limited to the following:

- (1) Location and acoustic characteristics of all noise sources that have the potential to exceed the limits set forth in Section 46-35;
- (2) Nature and proximity of all adjacent development, location, and type;
- (3) Seasonal and prevailing weather patterns, including wind directions;
- (4) Vegetative cover on or adjacent to the site; and
- (5) Topography.

(3) The operator shall be responsible for verifying compliance with this article and the noise management plan after the installation of the noise generation equipment. The AHJ may require verification by continuous monitoring for up to 72 hours, or for such duration as the RNG is able to demonstrate is representative of the maximum sustained noise generation conditions, to ensure compliance with the noise limits of this ordinance at any regulated receiver. The AHJ may waive the requirement for monitoring if the NMP establishes that the potential impact at any regulated receiver is 3 dB or more below the applicable limits of this ordinance. In the event of complaints, additional measurements may be required upon notification to proceed by the AHJ. A minimum measurement period should be sufficient to ensure that the sound levels measured are typical of the source of interest but in no event should the duration of the measurement period be less than one hour. The RNG may request a longer measurement period - up to 72 hours. The cost of such monitoring shall be borne by the operator of the RNG.

(4) The sound level meter used in conducting noise evaluations shall be in accordance with Section 46-37.

(5) Noise mitigation equipment, structures, products, and materials or other alternate methods as approved by the AHJ may be used to ensure compliance.

(6) If a complaint is received by either the operator or the parish from any regulated receiver operating under an approved noise management plan, the operator shall, within 36 hours of notice of the complaint and upon notification to proceed by the AHJ, continuously monitor at the source of the complaint for up to a 72-hour period the exterior sound level generated to ensure compliance unless the operator can prove after best efforts, an additional 24-hour extension is required. A minimum measurement period should be sufficient to ensure that the sound levels measured are typical of the source of interest but in no event should the duration of the measurement period be less than one hour if operating under an approved noise management plan, and no less than 5 minutes if not operating under an approved noise management plan. The RNG may request a longer measurement period up to 72 hours. The cost of such monitoring shall be borne by the operator of the RNG. Compliance is assessed in any one-hour interval within the monitoring period, subject to Table 2 for an RNG operating under an approved noise management plan.

(7) A RNG is not required to continue monitoring if the operator can show the source of the noise has permanently ceased.

(8) A citation may be immediately issued for a clear violation of the provisions of this article, unless Section 46-36(m)(6) applies. If the violation is based upon measurement, the measurement must demonstrate that the cited RNG is the cause of the violation for any one-hour measurement interval, unless a shorter interval is otherwise permitted or indicated by Table 2. However, if the operator of the RNG is in compliance

with the approved noise management plan, and a violation still occurs, the operator will be given 36 hours from notice of non-compliance to correct the violation from an identified source before a citation is issued. Additional extensions of the 24-hour period may be granted in the event that the source of the violation cannot be identified after reasonable diligence by the operator or if the mitigation efforts require additional time for investigation and implementation.

(9) RNGs are entitled to review all data measured for compliance by AHJs

(N) Oil and gas wells in addition to the requirements listed for regulated noise generators in Section 46-36.

(1) All workover operations shall not be performed between the hours of 7:00 p.m. and 7:00 a.m. on weekdays, or between the hours of 7:00 p.m. and 9:00 a.m. on weekends and federal holidays, unless the operator demonstrates through a NMP that such activities can meet the limits set forth in Section 46-35. Heavy vehicles associated with workover operations may not operate in residential areas between the hours of 7:00 p.m. and 7:00 a.m. on weekdays, or between the hours of 7:00 p.m. and 9:00 a.m. on weekends and federal holidays.

(2) The exterior sound level generated by the drilling, redrilling or other operations of all oil and gas wells shall be continuously monitored for up to 72 hours, or for such duration as the RNG is able to demonstrate is representative of the maximum sustained noise generation conditions, to ensure compliance with the noise limits of this ordinance. The AHJ may waive the requirement for monitoring if the NMP establishes that the potential impact at any regulated receiver is 3 dB or more below the applicable limits of this ordinance. The cost of such monitoring shall be borne by the operator. Monitoring will not be required if the RNG has obtained waivers from all regulated receivers within 3,000 feet. Monitoring may be performed at more than one location. If a complaint is received by either the operator or the parish from any regulated receiver, the operator shall, within 36 hours of notice of the complaint and upon notification to proceed by the AHJ, continuously monitor at the source of the complaint for up to a 72-hour period the exterior sound level generated by the drilling, redrilling or other operations to ensure compliance. If operating under an approved Noise Management Plan, a minimum measurement period should be sufficient to ensure that the sound levels measured are typical of the source of interest but in no event should the duration of the measurement period be less than one hour and Table 2 applies. If not operating under an approved Noise Management Plan, a minimum measurement period should be sufficient to ensure that the sound levels measured are typical of the source of interest but in no event should the duration of the measurement period be less than 5 minutes and Table 2 does not apply.

(3) If the MPSL is determined to be exceeded at a regulated receiver, the operator shall limit nighttime operations such that levels are within the permissible limit, until such time as mitigation measures have been implemented. If mitigation measures do not provide attenuation sufficient to bring the levels within the MPSL, then the operator must continue to limit nighttime operations such that levels are within the permissible limit.

(4) The limits of this ordinance shall not apply to workover operations performed as emergency work, where emergency work is as defined in Section 46-31.

(O) Loudspeakers/public address systems.

(1) No person or entity shall cause, allow, or permit for any purpose any loudspeaker, public address system, or similar device that produces, reproduces, or amplifies sound, such that the sound therefrom exceeds the levels stated in Section 46-35 relative to the receiving property type without first obtaining a permit to do so. The permit shall be granted only for the amplification of music or human speech, or both. The permit:

(a) May be obtained by making application to the parish.

(b) Requires payment of a \$10.00 fee for the administrative costs of issuing the permit or a sworn statement of inability to pay the fee.

(c) Is valid for one 14-hour period between the hours of 8:00 a.m. and 10:00 p.m.

(d) Shall not be issued to the same or any other person or entity for the same location more than twice during any 30-day period. In the case of a sound truck, location shall relate to the area traversed by the truck in one day.

(e) Shall not authorize, allow, or otherwise permit the production, reproduction, or amplification of sound that exceeds 65 dBA when measured from the property line of the nearest receiving property.

(f) Requires an application containing the following information:

(1) The date of the application and the date and hours for which the permit is requested.

(2) The name and address of the applicant.

(3) The name and address of the person who will have charge of the sound amplifying equipment.

(4) The purpose for which the sound equipment will be used.

(5) The address and a description of the location where the sound equipment will be used.

(6) A description of the type of sound amplifying equipment to be used.

(P) The legal discharge of firearms is not subject to the provisions of this ordinance.

(Q) The owner of a regulated receiver property may grant a noise impact right to a noise generator for a defined noise impact. This noise impact right must, at a minimum, specify the maximum permissible sound levels for the receiver property due to the specific noise generator.

The agreement must be officially recorded and transferrable with the deed or other document transferring with ownership of the impacted property. A copy of the agreement establishing the

noise impact right shall be submitted to the parish by the noise generator in a noise management plan. Upon acceptance of the agreement by both parties, the noise generator is subject to the terms of the agreement and is protected from the levels identified in Section 46-35 for the receiving property in question.

(R) Permits for variance.

(1) Any person who owns or operates any noise source may apply to the Parish for a variance from one or more of the provisions of this ordinance. Each variance request shall be accompanied by a professional recommendation from relevant areas of expertise justifying the variance request in accordance with this section. Variance requests shall be made in writing to the AHJ, for submission to the Police Jury. The Police Jury shall consider variance requests at its meeting utilizing its normal processes at a public meeting.

(2) Applications for a permit of variance shall supply information including, but not limited to:

(a) The nature and location of the noise source for which such application is made.

- (b) The reason for which the permit of variance is requested.
 - (c) The duration of activity for which a variance is requested.
 - (d) The level of noise at the most impacted receiver or receivers that will occur during the period of the variance.
 - (e) The section or sections of this article for which the permit of variance shall apply.
 - (f) A description of interim noise control measures to be taken for the applicant to minimize noise and the impacts occurring therefrom.
 - (g) A specific schedule of the noise control measures that shall be taken to bring the source into compliance with this article within a reasonable time should the source continue after the variance period.
- (3) Applicants must bear the cost of a third-party review of their application by a qualified professional in environmental noise; the recommendation of the third-party review will be advisory to the parish authority.
- (4) No variance shall be approved unless the applicant presents adequate proof that:
- (a) Sound levels occurring during the period of the variance will not constitute a danger to public health.
 - (b) Compliance with the article would impose an unreasonable hardship on the applicant without equal or greater benefits to the public.
- (5) In making the determination for recommendation to the Police Jury for granting a variance, the AHJ shall consider the following factors:
- (a) The character and degree of injury to, or interference with, the health and welfare or the reasonable use of property that is caused or threatened to be caused.
 - (b) The social and economic value of the activity for which the variance is sought.
 - (c) The ability of the applicant to apply the best practical noise control measures.
- (6) If approved for a variance, the party responsible for the noise source must inform the potentially impacted recipients of the duration and nature of the noise.
- (7) A copy of the permit of variance must be kept on file by the parish.
- (8) Failure to supply the information required by the AHJ shall be cause for rejection of the application.

Sec. 46-37. Procedures for measuring noise.

(A) Testing shall be conducted in accordance with methods set forth hereinafter, and expanded in greater detail in the parish's noise measurement procedures guidance document. Alternative methods, procedures, or instruments may be used subject to approval and conditions prescribed by the AHJ. The AHJ may itself employ such alternatives when warranted by test conditions or other circumstances. Acceptable measurement methods:

(B) Measurements shall be conducted by the NCO or other qualified professional in environmental noise in accordance with methods set forth hereinafter.

(C) Operating conditions of the noise source during the measurement will vary based on the noise source of interest. Insofar as practicable, measurements shall be conducted under representative conditions to those that initiated the investigation. Relevant operational conditions may include but are not limited to typical, design, maximum, and fluctuating conditions.

(D) If transient background sounds increase the monitored sound levels, the measurements should be postponed until these transient sounds do not increase the monitored sound levels of interest or these periods of noise should be removed during post-processing of the measurement data.

(E) General requirements—The investigator shall, to the extent practicable, conduct all measurements in accordance with the following procedures and report related information:

(1) Identify all measurement equipment by manufacturer, model number, and serial number.

(2) Report the date, day of week, and time of day.

(3) Identify all sources contributing sound to the point of measurement—Characterize and localize sound sources.

(4) Conduct measurements at or within the property line of any affected person or entity. If measurements are made within the property line, measurements should be made no closer than 25 feet from the façade of a structure. Report the distance and direction to the noise source in question.

(a) For noise due to temporary activities, if the receptor is a structure, measurements shall be conducted at least 25 feet from the receptor on the side of the receptor where the sound levels are most representative of the noise source in question. Measurements may be made at the location of a receptor if the receptor is an outdoor regulated receiver.

(b) For noise due to lasting activities, measurements shall be conducted at or within the property line as appropriate for the noise source in question. Measurements should be made no closer than 25 feet from the façade of a structure. Measurements may be made at the location of a receptor if the receptor is an outdoor regulated receiver.

(c) If a property owner or tenant refuses to provide property access, then noise measurements may be located at an alternative location at approximately the same distance and approximately the same direction from the RNG. If there is no suitable alternative location, and property access is not granted, then there can be no finding of violation.

(5) A minimum measurement period should be sufficient to ensure that the sound levels measured are typical of the source of interest but in no event should the duration of the measurement period be less than one hour if operating under an approved noise management plan, and no less than 5 minutes if not operating under an approved noise management plan, or less than such interval as has otherwise been permitted.

(6) Background sound level measurements intended for the purpose of planning or permitting shall be conducted for a minimum measurement period of three consecutive days (72 consecutive hours) and include at least 24 hours during either Saturday or Sunday.

(a) Measurements must be processed to remove the contributions of transient background sounds as follows: any 1-hour Leq (total A-weighted level, or unweighted (flat) level in the 31.5 and 63 Hz octave bands), which exceeds the arithmetic average of the two adjacent hourly Leq's by 10 dB or more shall be removed from the noise level computation.

(b) A single corrected continuous background A-weighted noise level will be established by taking the logarithmic average of all remaining 1-hour Leq

values after removal of transient background sounds, and after removal of any time periods where the measurement conditions are not suitable (46-37 e (10)).

(c) A single corrected continuous background unweighted noise level in the 31.5 and 63 Hz octave bands will be established by taking the logarithmic average of all remaining 1-hour L_{eq} values after removal of transient background sounds, and after removal of any time periods where the measurement conditions are not suitable (46-37 e (10)).

(7) Calibrate the measuring device before and after each series of readings. Report calibration results.

(8) Report environmental conditions during measurements including wind speed and direction.

(9) Describe relevant source operational condition(s).

(10) Outdoor sound measurements made under the following conditions shall not be used to determine compliance:

(a) Measurements without a wind screen properly attached to the measuring device.

(b) Measurements when the wind speed exceeds 11 miles per hour (including gusts); low-frequency measurements in the 31.5 Hz and 63 Hz bands may not be performed when the wind speed exceeds 5 miles per hour (including gusts).

(c) Measurements under any condition which allows the measuring device to become wet, such as rain, snow, or condensation.

(d) When the ambient temperature is below 14 degrees F (-10 degrees C) or above 122 degrees F (50 degrees C).

(11) Background sound level measurement values to be reported:

(a) For the purpose of compliance, report the A-weighted, time-interval equivalent sound pressure level, L_{Aeq} , and the unweighted time-interval equivalent sound pressure levels in the 31.5 Hz and 63 Hz octave bands, $L_{31.5eq}$, and L_{63eq} , measured in accordance with Section 46-37. The time base for these equivalent levels shall be one (1) minute, and five (5) minute, and one (1) hour.

(b) For the purpose of planning or permitting, report the A-weighted, time-interval corrected equivalent 3 day sound pressure level, and the corrected equivalent 3 day unweighted (flat) level in the 31.5 and 63 Hz octave bands.

(F) Measurement instrumentation.

(1) The sound level meter must be able to measure the continuous energy equivalent sound level of steady, intermittent, and fluctuating sources. Any instrument used for sound pressure level measurement must be able to measure A-weighted sound pressure levels with a slow, exponential time-averaging setting and meet requirements for a Class 1 sound level meter as specified in the American National Standards Institute specifications for sound level meters (ANSI S1.4-2014/IEC 61672 (R2019)), or the latest approved revision thereof.

(2) To investigate impulsive noise limits, the sound level meter must be able to measure A-weighted sound pressure levels with a fast, exponential time-averaging setting.

(3) To investigate the presence of tonal components, the sound level meter must be able to measure $\frac{1}{3}$ octave band sound pressure levels. The meter must meet the minimum technical specification in American National Standards Institute ANSI S1.4-2014/IEC

61672 (R2019)) or latest revision, and the $\frac{1}{3}$ octave band filters must meet the specifications of ANSI S1.11-2014/IEC 61260 (R2019) or latest revision for Class 2 filter sets.

(4) The calibrator must meet the requirements for ANSI S1.40-2006 or latest revision.

(5) The sound level meter must be recalibrated at least every two years and the field calibrator must be recalibrated at least once per year by the manufacturer or by a laboratory accredited for such calibrations by either the American Association for Laboratory Accreditation or the National Institute of Standards and Technology. A copy of written documentation of such recalibration, in a form approved by the parish, shall be kept with the equipment to which it refers.

(6) All measurement instrumentation standards apply to RNG and AHJ.

Sec. 46-38. Enforcement.

(A) Any person or entity that violates any provision of this article shall be subject to a civil penalty for each offense of not more than \$500.00 or a term of imprisonment of 30 days. If the violation is of a continuing nature, each day during which it occurs shall constitute an additional, separate, and distinct offense. Further, the parish may enforce this ordinance through all civil remedies available, including, but not limited to, injunctive relief.

(B) No provision of this article shall be construed to impair any common law or statutory cause of action, or legal remedy therefrom, of any person for injury or damage arising from any violation of this article or from other law.

Sec. 46-39. Severability and abrogation.

(A) If any provision or portion of a provision of this article is held to be unconstitutional, preempted by federal or state law, or otherwise invalid by any court of competent jurisdiction, the remaining provisions of the ordinance shall not be invalidated.

(B) All ordinances or parts of ordinances which are inconsistent with any provisions of this article are hereby repealed as to the extent of such inconsistencies.

BE IT FURTHER ORDAINED that if any provisions or items of this ordinance or the application thereof is held invalid, such invalidity shall not affect other provisions, items or applications of this ordinance which can be given effect without the invalid provisions, items or applications and to this end the provisions of this ordinance are hereby declared severable.

BE IT FURTHER ORDAINED that all ordinances or parts of ordinances in conflict herewith are hereby repealed.

The ordinance was offered by Mr. Rimmer, seconded by Ms. Parks. Upon unanimous vote, it was duly adopted on this 16th day of November 2022.

RACHEL D. HAUSER
PARISH SECRETARY

THOMAS D. SALZER, PRESIDENT
BOSSIER PARISH POLICE JURY